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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Hannoufa et al. Attorney Docket No.: 1096.021A
Serial No.: 10/719, 996 Group Art Unit: 1638
Filed: November 21, 2003 Examiner: Bui, Phuong T
Title: A Repressor-Mediated Regulation System For Control of Gene Expression in Plants

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on April 17, 2006


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Date of Signature: April 17, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Response to Restriction Requirement Under 37 C.F.R. § 1.143

Dear Sir:

This is in response to the Office Action mailed on December 16, 2005, in connection with the above-identified U.S. patent application. In light of a three-month extension of time and fee therefor enclosed herewith, response is due by April 16, 2006; that being a Sunday, this response is timely filed.

Claims 1-36 are currently pending in the application. The Action of December 16, 2005 requires election under 35 U.S.C. §121 among four groups of claims:

- Group I. Claims 1-11, 25-27 and 33-35, drawn to a subcombination repressor, classified in class 536, subclass 24.5.
- Group II. Claims 12-15 and 36, drawn to a subcombination operator, classified in class 536, subclass 23.1.

Group III. Claims 16-18 and 28-32, drawn to combination of repressor and operator, classified in class 800, subclass 295.

Group IV. Claims 19-24, drawn to methods of use, classified in class 435, subclass 419.

Applicants hereby provisionally elect the claims of Group IV (claims 19-24), along with the sequence of Group A (SEQ ID NO: 2), with traverse with respect to the claims of Groups I-III.

Inventions I-III are allegedly distinct from Invention IV in that invention I has separate utility, such as, as a repressor of gene expression, whereas invention II has separate utility as an operator or regulator of gene expression. Additionally, inventions III and I-II are allegedly related as combination and subcombinations and the combination as claimed does not require the particulars of the subcombination as claimed.

Applicants respectfully submit that the method of Group IV comprises steps for producing a plant of Group III; a plant produced by the method of Group IV claims is that recited by Group III claims and additionally, comprises the ROS repressor of Group I and the ROS operator of Group II. A search directed to the subject matter of Group IV claims will, of necessity, include results with respect to the subject matter of Groups I-III and therefore, there is no additional burden on the examiner to search the subject matter of Groups I-III.

Respectfully submitted,



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Dated: April 17, 2006

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